

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 1/3/2022

FLORIDA STATE UNIVERSITY; AND THE)
FLORIDA STATE UNIVERSITY BOARD)
OF TRUSTEES,)

Plaintiffs,)

v.)

Case No. 1:21-cv-10631-VM

THE INDIVIDUALS, CORPORATIONS,)
LIMITED LIABILITY COMPANIES,)
PARTNERSHIPS, AND)
UNINCORPORATED ASSOCIATIONS)
IDENTIFIED ON SCHEDULE A TO THE)
COMPLAINT,)

Defendants.)

[PROPOSED] PRELIMINARY INJUNCTION ORDER

THIS MATTER comes before the Court on Plaintiffs' FLORIDA STATE UNIVERSITY and THE FLORIDA STATE UNIVERSITY BOARD OF TRUSTEES ("Plaintiffs") application, brought by way of Order to Show Cause, for entry of a Preliminary Injunction (the "Application") against the Defendants identified on Amended Schedule A to the Complaint attached hereto (collectively, the "Defendants") and using at least the domain names identified in the Amended Schedule A (the "Defendant Domain Names") and the online marketplace accounts identified in the Amended Schedule A (the "Online Marketplace Accounts"); and

THE COURT having reviewed the papers in support of and in opposition to the Application (if any); and the Court having found that Plaintiffs meet the criteria for entry of preliminary injunctive relief; and

This Court further finds that it has personal jurisdiction over the Defendants because the Defendants directly target their business activities toward consumers in the United States, including New York, offering to sell and ship products into this Judicial District. Specifically, Defendants are reaching out to do business with New York residents by operating one or more commercial, interactive Internet Stores through which New York residents can purchase counterfeit products bearing, using, or infringing on Plaintiffs' FLORIDA STATE UNIVERSITY ("FSU") trademarks, which are covered by, amongst others, U.S. Trademark Registration Nos. 4984064, 2623851, 1276238, 2641958, 3816492, 2803985 (collectively, the "FSU Trademarks"); and

THIS COURT having determined that the evidence submitted in support of the Application establishes Plaintiffs have a likelihood of success on the merits; that no remedy at law exists; and that Plaintiffs will suffer irreparable harm if the injunction is not granted including for example:

1. Through the Declarations of Michael Yellin and Katie Pugh and accompanying evidence, Plaintiffs have proved a prima facie case of trademark infringement because (1) the FSU Trademarks are a distinctive mark and registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use the FSU Trademarks, and (3) Defendants' use of the FSU Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Plaintiffs; and
2. Defendants' continued and unauthorized use of the FSU Trademarks irreparably harms Plaintiffs through diminished goodwill and brand confidence, damage to Plaintiffs' reputation, loss of exclusivity, and loss of future sales.

3. Monetary damages fail to address such damage and, therefore, Plaintiffs have an inadequate remedy at law; and
4. The public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions; and

THIS COURT having determined, therefore, that injunctive relief previously granted in the Temporary Restraining Order ("**TRO**") on December 14, 2021 [Dkt. No. 21] should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under the Federal Rule of Civil Procedure 65;

NOW THEREFORE, on this 3rd day of January, 2022, this Court ORDERS that:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:

- a. Using Plaintiffs' FSU Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that not authorized by Plaintiffs to be sold in connection with Plaintiffs' FSU Trademarks;

- b. Passing off, inducing, or enabling others to sell or pass off any product that is not Plaintiffs or not properly bearing, using, and sold utilizing the FSU Trademarks under the authorization, control, or supervision of Plaintiffs and approved by Plaintiffs for sale under Plaintiffs' FSU Trademarks;

c. Committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiffs, or are sponsored by, approved by, or otherwise connected with Plaintiffs;

d. Further infringing Plaintiffs' FSU Trademarks and damaging Plaintiffs' goodwill;

e. Otherwise competing unfairly with Plaintiffs in any manner;

f. Shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiffs, nor authorized by Plaintiffs to be sold or offered for sale, and which bear any of Plaintiffs' FSU Trademarks and/or any reproductions, counterfeit copies, or colorable imitations thereof;

g. Using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other domain name or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell counterfeit products bearing, using, or infringing on the FSU Trademarks; and

h. Operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the Plaintiffs' FSU Trademarks and/or any reproductions, counterfeit copies, or colorable imitations thereof that is not authorized by Plaintiffs to be sold in connection with the Plaintiffs' FSU Trademarks.

2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiffs a written report under oath providing: (a) their true name and physical

address, (b) all websites and online marketplace accounts on any platform that they own and/or operate (c) their financial accounts, including all Amazon, PayPal, Payoneer, LianLian, AllPay, Ping Pong, Coinbase, Union Mobile, and eBay accounts, and (d) the steps taken by each Defendant to comply with paragraph 1, a through h, above.

3. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliast Limited, CentralNic, Nominet, and the Public Interest Registry, within three (3) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall disable the Defendant Domain Names and make them inactive and untransferable until further ordered by this Court.

4. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as Amazon, Wish, DHGate, AliExpress, and eBay, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing, and Yahoo, web hosts for the Defendant Domain Names, and domain name registrars, shall within three (3) business days of receipt of this Order:

a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the FSU Trademarks, including any accounts associated with the Defendants listed on the Amended Schedule A;

b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the FSU Trademarks; and

c. take all steps necessary to prevent links to the Defendant Domain Names identified on the Amended Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Domain Names from any search index.

5. Defendants and any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as Amazon, Wish, DHGate, AliExpress, and eBay, Facebook, Internet Service Providers ("ISP"), web hosts, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers, including Amazon, PayPal, Payoneer, LianLian, AllPay, Ping Pong, Coinbase, Union Mobile, and eBay, third party processors and other payment processing service providers, shippers, and domain name registrars (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Plaintiffs expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating to:

a. The identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information;

b. The nature of Defendants' operations and all associated sales and financial information, including, without limitation, identifying information associated with the Online Marketplace Accounts, the Defendant Domain Names, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplace Accounts and Defendant Domain Names;

c. Defendants' websites and/or any Online Marketplace Accounts;

d. The Defendant Domain Names or any domain name registered by Defendants; and

e. Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, Amazon, PayPal, Payoneer, LianLian, AllPay, Ping Pong, Coinbase, Union Mobile, and eBay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

6. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

7. Western Union shall, within five (5) business days of receipt of this Order, block any Western Union money transfers and funds from being received by the Defendants identified in Amended Schedule A until further ordered by this Court.

8. Amazon, Wish, DHGate, AliExpress, and eBay shall, within five (5) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:

a. Locate all accounts and funds connected to and related to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Amazon, PayPal, Payoneer, LianLian, AllPay, Ping Pong, Coinbase, Union Mobile, and eBay accounts connected to and related to the information listed in Amended Schedule A to the Complaint; and

b. Restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

9. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants' Online Marketplace Accounts or websites, shall within five (5) business days of receipt of this Order:

a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any accounts connected to the information listed in the Amended Schedule A to the Complaint; and

b. Restrain and enjoin such accounts from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

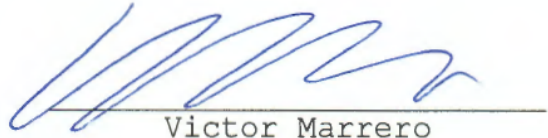
10. Plaintiffs may provide notice of these proceedings to Defendants by electronically publishing a link to the Complaint, this Order and other relevant documents on a website or by sending an e-mail to all e-mail addresses identified by Plaintiffs and any e-mail addresses provided for Defendants by third parties that includes a link to said website. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars and payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

11. The Clerk of Court is respectfully directed to unseal Plaintiffs' Amended Schedule A to the Complaint (Dkt. No. 10) and Exhibit 2 to the Declaration of Katie Pugh (Dkt. Nos. 11, 13, 14, 15, 17), and place these filed documents on the public docket.

12. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiffs or on shorter notice as set by this Court.

13. The five thousand dollars (\$5,000.00) bond posted by Plaintiffs shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

Dated: January 3, 2022
New York, New York



Victor Marrero
U.S.D.J.

Doe No.	Defendant Seller	Defendant Online Marketplace
18.	Dengxiaojie2822	https://www.wish.com/merchant/5f87f1af7f2b9273fa0a07df
19.	dfhfg4564	https://www.wish.com/merchant/5d53f49e7ad2424580503e0b
20.	dhffilak	https://www.wish.com/merchant/5e94008f6dc97942a31610c7
21.	digitalpristi	https://www.wish.com/merchant/5fde1d04e0b5f4e538f5393f
22.	[REDACTED]	[REDACTED]
23.	djk87	https://www.wish.com/merchant/5e7e15877b30dac2bcf394cd
24.	dqzf97jing	https://www.wish.com/merchant/5f6985827cc0a08c68d40f7b
25.	duaioxion	https://www.wish.com/merchant/5fffd2066f09c73a0a7060b1
26.	Ekdnsjdjslskdrnjkb gdgjk27	https://www.wish.com/merchant/5eb07e017edfbdf6c84d02f5
27.	Eodkskdkskfndskjts ojfi65	https://www.wish.com/merchant/5eaeaa647fc967e61821c911
28.	fdiufuytffdxz	https://www.wish.com/merchant/5f59d42faa971d2285de36d2
29.	Food Mart	https://www.wish.com/merchant/5fca700f94c323f1844f4d1a
30.	gaoxucaio130	https://www.wish.com/merchant/5ebe6ed229e7864b0149abc4
31.	Hdjdjdjdjsjdjdjxjxj dxjxncdj	https://www.wish.com/merchant/5eb0786f8108df32292a5d3a
32.	hegenqing	https://www.wish.com/merchant/5e52029d7b7ddf05406af63c
33.	hexiaohong90461	https://www.wish.com/merchant/6049b2e6fc3aac51fa179b39
34.	HQY-Souvenir	https://www.wish.com/merchant/5db2b8a013e524002f49884e
35.	huaming fashion	https://www.wish.com/merchant/541bb4c182b9ac28c0503f43
36.	huanwuse2	https://www.wish.com/merchant/5e7c36d32c28de3b7aa2e94d
37.	hufangling1234	https://www.wish.com/merchant/60efae523c50561d1076a70
38.	huoyimian4112	https://www.wish.com/merchant/5fc47883ba4411267b9ea89f
39.	hushanggan fashion	https://www.wish.com/merchant/541bb3427541ce774b293d4b
40.	ioklu	https://www.wish.com/merchant/5efb13193becc28926249428
41.	jettmcgilltranjwzk	https://www.wish.com/merchant/5eb1da92156bb7dd7d0717ee
42.	jianglina Store	https://www.wish.com/merchant/5f61aa14b8978e251b189eb5
43.	jiangwei Store me	https://www.wish.com/merchant/5f61e5dcecf7b51bbbf3daea
44.	juanzide	https://www.wish.com/merchant/5e55055735caa98cb8006d82
45.	KailyardGreen	https://www.wish.com/merchant/5fb52c8fddde7eeb312e01b6
46.	kaiming	https://www.wish.com/merchant/593586d06fffc74cfcecc9aa
47.	Kellie jewelry	https://www.wish.com/merchant/577385fedc3b481ae985a19b

Doe No.	Defendant Seller	Defendant Online Marketplace
48.	lausy	https://www.wish.com/merchant/5e9edabb0de11ae249bed097
49.	leizhou5875	https://www.wish.com/merchant/5e7dc36c841bb5158094ea16
50.	liguangfa13162	https://www.wish.com/merchant/607a793ccfde7948ef22c7b8
51.	lijinduo55855	https://www.wish.com/merchant/5ffe69a8161afe1deb40298e
52.	lingrun12325634893	https://www.wish.com/merchant/5f97d33262b42d89b537a3c2
53.	linxianglian	https://www.wish.com/merchant/5b18b122daac452d79788dfb
54.	lishanshan133	https://www.wish.com/merchant/5fc84a576d407c45641740eb
55.	liumengting44329	https://www.wish.com/merchant/61629e94f36bd7cd24dc34bd
56.	liumin4580	https://www.wish.com/merchant/604c648dc65c0c1647aa8431
57.	liuqing129520	https://www.wish.com/merchant/5fc6eef7ba441179769ea850
58.	liuqinhui1998	https://www.wish.com/merchant/5f505b22e7fa5e8e0c8c8bb9
59.	liuzijia fashion	https://www.wish.com/merchant/5411acb37541ce08c1781666
60.	liweiheng	https://www.wish.com/merchant/5ffc0fdade95879df0f45f0b
61.	lixiaoqiao123	https://www.wish.com/merchant/5ffe84b41c90df4f57b8f19f
62.	lixulin	https://www.wish.com/merchant/5ef2d9fccfb0236812ccd735
63.	Liyang123456	https://www.wish.com/merchant/5fc9b6d45f618f2a11a01d48
64.	lj1211700437	https://www.wish.com/merchant/5e8daaff54e2aaeb808ad747
65.	lulangxia50286	https://www.wish.com/merchant/5f23ec96e95d720a9cf0bfc3
66.	mafanglin92367	https://www.wish.com/merchant/609a1d7c89940747f089dc1e
67.	mahui5213	https://www.wish.com/merchant/5fcc8018b3d34285d8d1c947
68.	MargaretStore	https://www.wish.com/merchant/5fdb22117eabef3697ec180c
69.	Mike Tharp	https://www.wish.com/merchant/5f46760729e7862f3810acd7
70.	MING586	https://www.wish.com/merchant/5e7d7905841bb53f56937703
71.	mkdjja	https://www.wish.com/merchant/5e7efa7bb6aaab31cf021e75
72.	murrayfiona977	https://www.wish.com/merchant/5e8db86029e7864c6fe404a2
73.	nanxie	https://www.wish.com/merchant/55ffe8274bf31242b9d3ff35
74.	ncdsjgfsdhuf	https://www.wish.com/merchant/5f59b51e7c2ec7574a14f97d
75.	nhsagrf	https://www.wish.com/merchant/5ea2d62a9dffbe1982046bf5
76.	Nicheshow	https://www.wish.com/merchant/60da7f7f167c794d6abf4e84
77.	niting39836	https://www.wish.com/merchant/609a02d7dc77849c44ed4da9
78.	pangjingyu39313	https://www.wish.com/merchant/617a251e0c14879941d52e56
79.	Patricia Gibson	https://www.wish.com/merchant/5e8a974b355fe55d0e7cd9cb
80.	petriduhtahee	https://www.wish.com/merchant/5e9fe0b4e2fac3e6b870439d
81.	poaiz	https://www.wish.com/merchant/5e8074f1b6aaab078f02229d
82.	rengouwei384438	https://www.wish.com/merchant/5fc9b8db08134c32768218a8
83.	rlaxotlr1	https://www.wish.com/merchant/5e96f80b2913980dc4e2f671
84.	sdjh	https://www.wish.com/merchant/5e9fb7da13546c6afcdb04c9
85.	shangpengfei	https://www.wish.com/merchant/5b0cb4b01865dc18da3d8532

Doe No.	Defendant Seller	Defendant Online Marketplace
86.	shidongfeng48573	https://www.wish.com/merchant/60756d972164537382d806cc
87.	sjahgz	https://www.wish.com/merchant/5e9b0aceda2ff2fd0642b9c3
88.	Skewkrmdnskrnsfn odfo24	https://www.wish.com/merchant/5eb07c870b85d7b348297cdf
89.	Skfjeifjskkdkfkdvdp cmdn53	https://www.wish.com/merchant/5eaea0d82adba5508aeb8fd7
90.	Skgnskgmskfndjfnsk fjcnnj22	https://www.wish.com/merchant/5eb07b9529e7863fb7324c63
91.	Skrnwofnsofnsofndk fnd51	https://www.wish.com/merchant/5eae9a80917f40374a736041
92.	So Inviting invitations	https://www.wish.com/merchant/60115da268ee4bb2a4020b63
93.	Sofneifnrkdjfskfnsf nekfndn46	https://www.wish.com/merchant/5eae914f7fc967690121ca74
94.	Sofnekfneofmdofmd knjk1	https://www.wish.com/merchant/5eb07a17e5e7c31e46f3d766
95.	surprise xian	https://www.wish.com/merchant/5d60f814560eca12406411a1
96.	TAOKANKAN928	https://www.wish.com/merchant/5fc9a5401d28c3156c46686e
97.	tedgw	https://www.wish.com/merchant/5e8c3132587e30950fffb22a
98.	TEST CONTOM	https://www.wish.com/merchant/5e6938e42fb13fe89f0a92d0
99.	Thxfxfcffhdgffvfgcg g	https://www.wish.com/merchant/5eb00bcae3e3ac90f8f28e2c
100.	tracey gordon	https://www.wish.com/merchant/5e69d309290ddd0564358f7b
101.	tudaolinjia	https://www.wish.com/merchant/5f0bbd5529e786333ab2a8a8
102.	TUTUTU	https://www.wish.com/merchant/579c5589cff6ed5acbc52805
103.	wangcheng Store	https://www.wish.com/merchant/5f72da290e08e2003d52a838
104.	wanghui44288	https://www.wish.com/merchant/5f0c15846c12d930d8729700
105.	wangshuo47445	https://www.wish.com/merchant/5ff13308b9a6a10d1b38b28e
106.	wangwenlong46455	https://www.wish.com/merchant/5fc8549eb36d7e18bd292495
107.	wangxinyuan1998	https://www.wish.com/merchant/5fc98cf75f618f087ea01f6c
108.	wangxuefeng666	https://www.wish.com/merchant/5fcf0c9112671149aeb33028
109.	wangzhuo8564	https://www.wish.com/merchant/5fc894f3cd0672400fa64b65
110.	weilingzhao118	https://www.wish.com/merchant/5ef735817355adde02d6932d
111.	wersnf	https://www.wish.com/merchant/5e8c32ac63544f0042d42532
112.	wnoy83	https://www.wish.com/merchant/5d54695941ed51073f1eb35e
113.	XenomorphStore	https://www.wish.com/merchant/5fd0738362245c0f0d73e381
114.	xiongzilong42948	https://www.wish.com/merchant/609a2dae403f030e92b879b7
115.	xiushuizhilishang	https://www.wish.com/merchant/5ef9a6ff9ea1982fdecc337f
116.	xjdfgydukf	https://www.wish.com/merchant/5f5db9a9002f7cc99d9f33dd

Doe No.	Defendant Seller	Defendant Online Marketplace
117.	yanbujiu7498	https://www.wish.com/merchant/5e7813072d03dd25dea0711b
118.	YangBaoB	https://www.wish.com/merchant/5f648b3fbacfb16f5732929c
119.	yanhui6168	https://www.wish.com/merchant/5e7d9a277b30da5868f39837
120.	yawping	https://www.wish.com/merchant/5f8dce865d62bce65a887da6
121.	yuqiang668	https://www.wish.com/merchant/5ffcb560954472e0a17ec0f
122.	Zeckos	https://www.wish.com/merchant/51bba8df67806c7c2ea15815
123.	zhangbin1426	https://www.wish.com/merchant/5fc70471cd0672b741a64d22
124.	zhanghuong	https://www.wish.com/merchant/5efee42e92e18ad0f0dd1587
125.	zhangyuxin5032	https://www.wish.com/merchant/60d05608fe363d0065b69113
126.	ZhangZeLon	https://www.wish.com/merchant/5f6c58b62ef0bdd0bbe71f41
127.	zhoupengxuexiaocun	https://www.wish.com/merchant/6086725579979f21da8885af
128.	zhulimin111888	https://www.wish.com/merchant/5aa9226f2635a71aa40f7ac8
129.	Zizaireeyi Shoes	https://www.wish.com/merchant/5eb3a60945b4f8426e22835f
130.	bytom_love	https://www.ebay.com/usr/bytom_love
131.	canjun2013	https://www.ebay.com/usr/canjun2013
132.	cornholewrapsfan	https://www.ebay.com/usr/cornholewrapsfan
133.	go_canada_go	https://www.ebay.com/usr/go_canada_go
134.	kronchet-0	https://www.ebay.com/usr/kronchet-0
135.	supocharo-0	https://www.ebay.com/usr/supocharo-0
136.	world.collectibles	https://www.ebay.com/usr/world.collectibles
137.	xiuyuan2016	https://www.ebay.com/usr/xiuyuan2016
138.	College Football Jerseys	https://www.andretelli.com
139.	FSU Jerseys	https://www.fsunewseason.com
140.	FSU Pro Shop	https://www.fsuproshop.com
141.	Sun Imprint	http://www.sunimprint.com
142.	Kindlycloth	https://splendidcloth.com
143.	MyFrogTee	https://myfrogtee.com/